

[SUBMITTING COUNSEL ON
SIGNATURE LINE]

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

Olean Wholesale Grocery Cooperative,
Inc., on behalf of itself and all others
similarly situated,

Plaintiff,

v.

BUMBLE BEE FOODS LLC, TRI-UNION
SEAFOODS LLC, AND STARKIST
COMPANY,

Defendants.

Case No. 3:15-cv-01714-JLS-MDD

CLASS ACTION

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION TO
CONSOLIDATE**

Hon. Janis L. Sammartino

DATE: November 5, 2015

TIME: 1:30 P.M.

CRTRM: 4A

Pacific Groservice Inc. d/b/a/ PITCO
Foods, on behalf of itself and all others
similarly situated,

Plaintiff,

v.

BUMBLE BEE FOODS LLC, TRI-
UNION SEAFOODS LLC, and

Case No. 3:15-cv-01791-JLS-MDD

1 STARKIST COMPANY,

2 *Defendants.*

3
4 Beverly Youngblood, on behalf of herself
5 and all others similarly situated,

6 *Plaintiff,*

7
8 v.

9 BUMBLE BEE FOODS LLC, TRI-UNION
10 SEAFOODS LLC, AND STARKIST
11 COMPANY,

12 *Defendants.*

Case No. 3:15-cv-01863-JLS-MDD

13 Trepro Imports and Distribution LTD, on
14 behalf of itself and all others similarly
15 situated,

16 *Plaintiff,*

17
18 v.

19 BUMBLE BEE FOODS, LLC f/k/a
20 BUMBLE BEE SEAFOODS, LLC, TRI-
21 UNION SEAFOODS, LLC d/b/a
22 CHICKEN OF THE SEA, STARKIST
23 COMPANY, AND KING OSCAR, INC.,

24 *Defendants.*

Case No. 3:15-cv-01987-AJB-KSC

25 Louise Ann Davis Mathews, on behalf of
26 herself and all others similarly situated,

27 *Plaintiff,*

28 v.

Case No. 3:15-cv-01878-JLS-MDD

1 BUMBLE BEE FOODS LLC, TRI-
2 UNION SEAFOODS LLC, and
3 STARKIST COMPANY,
4
5 *Defendants.*

6 Capitol Hill Supermarket, on behalf of
7 itself and all others similarly situated,
8
9 *Plaintiff,*

10 v.

11 BUMBLE BEE FOODS LLC, TRI-UNION
12 SEAFOODS LLC, AND STARKIST
13 COMPANY,
14
15 *Defendants.*

16 James Walnum, on behalf of himself and
17 all others similarly situated,
18
19 *Plaintiff,*

20 v.

21 BUMBLE BEE FOODS LLC, STARKIST
22 COMPANY, TRI-UNION SEAFOODS
23 LLC,
24 AND KING OSCAR, INC.,
25
26 *Defendants.*

27 Evelyn Olive, et al., on behalf of
28 themselves and all others similarly
situated,
Plaintiffs,

Case No. 3:15-cv-01867-JLS-MDD

Case No. 3:15-cv-01887-BAS-RBB

Case No. 3:15-cv-01909-BEN-
WVG

v.

BUMBLE BEE FOODS LLC, TRI-
UNION SEAFOODS LLC, STARKIST
COMPANY, AND KING OSCAR, INC.,

Defendants.

Colin Moore, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

BUMBLE BEE FOODS LLC, TRI-UNION
SEAFOODS LLC, AND STARKIST
COMPANY,

Defendants.

Case No. 3:15-cv-01911-JLS-MDD

Jennifer A. Nelson, et al., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

BUMBLE BEE FOODS LLC, TRI-UNION
SEAFOODS LLC, STARKIST COMPANY,
AND KING OSCAR, INC.,

Defendants.

Case No. 3:15-cv-01979-JLS-MDD

Dutch Village Restaurant of itself and all
others similarly situated,

Case No. 3:15-cv-02020-LAB-
BLM

Plaintiff,

v.

BUMBLE BEE FOODS LLC, TRI-UNION
SEAFOODS LLC, AND STARKIST
COMPANY,

Defendants.

Case No. 3:15-cv-02011-L-MDD

Steven M. Colberg, et al., on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

BUMBLE BEE FOODS LLC, STARKIST
COMPANY, TRI-UNION SEAFOODS
LLC, AND KING OSCAR, INC.,

Defendants.

Case No. 3:15-cv-02017-BTM-
NLS

Amy Joseph, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

BUMBLE BEE FOODS, LLC, TRI-UNION
SEAFOODS, LLC, STARKIST
COMPANY, AND KING OSCAR, INC.

Defendants.

Case No. 3:15-cv-02006-H-JMA

1 Jinkyoungh Moon, et al., on behalf of
2 themselves and all others similarly
3 situated,

4
5 *Plaintiffs,*

6 v.

7 BUMBLE BEE FOODS LLC, STARKIST
8 COMPANY, TRI-UNION SEAFOODS
9 LLC, AND KING OSCAR, INC.,

10 *Defendants.*
11

Case No. 3:15-cv-02012-BAS-RBB

12
13 Rick Musgrave, on behalf of himself and
14 all others similarly situated,

15 *Plaintiff,*

16 v.

17 BUMBLE BEE FOODS LLC, STARKIST
18 COMPANY, TRI-UNION SEAFOODS
19 LLC, AND KING OSCAR, INC.,

20 *Defendants.*
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**TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF
RECORD:**

PLEASE TAKE NOTICE that, on November 5, 2015 at 1:30 p.m., or as soon thereafter as the matter may be heard, before the Honorable Janis L. Sammartino of the United States District Court of the Southern District of California, located at 221 West Broadway, Courtroom 4A, Suite 4135, San Diego, CA, 92101, Plaintiffs Olean Wholesale Grocery Cooperative, Inc. (“Olean”); Pacific Groservice Inc. d/b/a/ PITCO Foods (“PITCO”); Beverly Youngblood (“Youngblood”); and Trepco Imports and Distribution LTD (“Trepco”) (collectively, “Direct Purchaser Plaintiffs”) and Plaintiffs Capitol Hill Supermarket, Louise Ann Davis Matthews, James Walnum, Jennifer A. Nelson, Evelyn Olive, Colin Moore, Dutch Village Restaurant, Steven M. Colberg, Jinkyong Moon and Rick Musgrave (collectively the “Indirect Purchaser Plaintiffs”), will, and hereby do, move this Court pursuant to Fed. R. Civ. P. 42(a), for an Order:

(1)consolidating the following direct purchaser actions into a Consolidated Direct Purchaser Action: *Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC, et al.*, No. 3:15-cv-0714-JLS-MDD; *Pacific Groservice Inc. d/b/a PITCO Foods v. Bumble Bee Foods LLC et al.*, No. 3:15-cv-01791-JLS-MDD; *Youngblood v. Bumble Bee Foods LLC et al.*, No. 3:15-cv-01863-JLS-MDD; and *Trepco Imports and Distribution LTD v. Bumble Bee Foods LLC et al.*, No. 3:15-cv-01987-AJB-KSC;

(2)consolidating the following indirect purchaser end payor actions into a Consolidated End Payor Action: *Mathews v. Bumble Bee Foods LLC, et al.*, No. 3:15-cv-01878-JLS-MDD; *Walnum v. Bumble Bee Foods LLC, et al.*, No. 3:15-cv-01887-BAS-RBB; *Olive v. Bumble Bee Foods LLC, et al.*, No. 3:15-cv-01909-BEN-WVG; *Moore v. Bumble Bee Foods LLC, et al.*, No. 3:15-cv-01911-JLS-MDD; *Nelson v. Bumble Bee Foods LLC, et al.*, No. 3:15-cv-01979-JLS-MDD; *Steven M. Colberg, et al., v. Bumble Bee Foods LLC*, Case No. 3:15-cv-02011-L-MDD; *Jinkyong Moon et al.*

1 *v. Bumble Bee Foods LLC et al.*, Case No. 3:15-cv-02006-H-JMA; *Rick*
 2 *Musgrave v. Bumble Bee Foods LLC et al.*, Case No. 3:15-cv-02012-
 3 BAS-RBB; *Amy Joseph v. Bumble Bee Foods, LLC, et al.*, Case No. 3:15-
 4 cv-02017-BTM-NLS (“*Joseph*”);

5 (3)consolidating the following indirect purchaser commercial food preparer
 6 actions into a Consolidated Commerical Food Preparer Action: *Capitol*
 7 *Hill Supermarket v. Bumble Bee Foods LLC, et al.*, No. 3:15-cv-01867-
 8 AJB-WVG; *Dutch Village Restaurant v. Bumble Bee Foods LLC et al.*,
 9 Case No. 3:15-cv-02020-LAB-BLM; and

10 (4)coordinating the Consolidated Direct Purchaser Action, the Conliterated
 11 End Payor Action, and the Consolidated Commercial Food Preparer
 12 Action under one case number, Case No. 3:15-cv-01714-JLS-MDD, all as
 13 set forth in more detail in the proposed order.

14 This Motion is brought on the grounds that consolidation is necessary to
 15 protect the interests of the proposed class, expedite progress toward certification,
 16 coordinate pre-certification discovery, allow all parties and their counsel to be
 17 readily aware of orders of the Court that may directly or indirectly affect them, and
 18 to prevent unnecessary delay.

19 This Motion is based on this Notice of Motion, the accompanying
 20 Memorandum of Points and Authorities, all of the pleadings and papers on file in
 21 the above-captioned actions, and such other and written or oral arguments as may
 22 be presented to the Court at or before the hearing.

23
 24 Dated: September 14, 2015

Respectfully submitted,

25 **HAUSFELD LLP**

26 By: /s/ Christopher L. Lebsock

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CERTIFICATE OF SERVICE

I, Christopher L. Lebsock, hereby declare that on September 14, 2015, I caused to be filed the following documents:

1) PLAINTIFFS' NOTICE OF MOTION AND MOTION TO CONSOLIDATE

2) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' NOTICE OF MOTION AND MOTION TO CONSOLIDATE

with the Clerk of the Court of the United States District Court for the Southern District of California, using the official Court Electronic Document Filing System which served copies on all interested parties registered for electronic filing.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Christopher L. Lebsock

Christopher L. Lebsock